

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRANSMITTAL

In re Application of John C. Rueter et al.
For: ATRIAL CAPTURE MANAGEMENT DURING ATRIAL AND VENTRICULAR PACING
Serial No.: 10/625,344
Filed: July 23, 2004

CERTIFICATE UNDER 37 CFR §1.8 I hereby certify that this Transmittal and the paper(s), as described herein are being deposited with the United States Postal Service, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12 day of August, 2004.

Signature

MOLLY CHLEBECK

Printed Name

Commissioner for Patents
P.O. Box 1450,
Alexandria, VA 22313-1450

Sir:

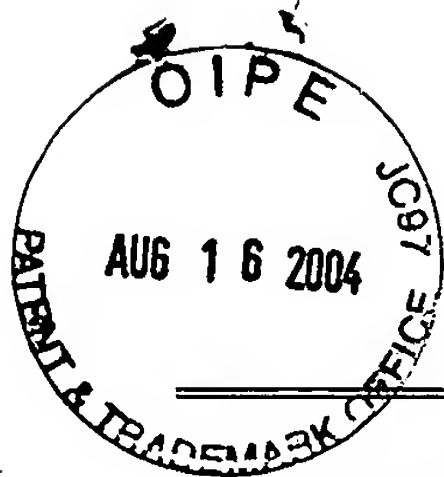
We are transmitting herewith the attached:

- X Transmittal
- X Affidavit of Joseph F. Breimayer
- X Return Postcard

- X Please charge any additional fees or credits to Deposit Account No. 13-2546 which may have been overlooked on this Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.
- X Applicant believes that no extension of time is required. However, if an extension of time is required, please consider this a petition therefor to provide for the possibility that applicant has inadvertently overlooked the need for an extension of time.

Date

08/09/04
Girma Wolde-Michael, Reg. No. 36,724
Telephone: (763) 514-6402
Customer No. 27581



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): John C. Reuter et al.

) Art Unit: 3762

Serial No.: 10/625,344

) Examiner:

Filed: July 23, 2003

) Docket: P-11206.00

For: ATRIAL CAPTURE MANAGEMENT DURING ATRIAL AND VENTRICULAR
PACING

AFFIDAVIT OF JOSEPH F. BREIMAYER

I, Joseph R. Breimayer, hereby state and declare that:

1. I am a licensed patent attorney, Registration No. 25,551;
2. I prepared the initial draft of the above-identified patent application for Medtronic, Inc., which was subsequently filed by attorneys of record for Medtronic, Inc.;
3. During the preparation of this application, U.S. Patent No. 6,321,607 (the '607 patent) was included in the BACKGROUND OF THE INVENTION section of the application as one of several patents assigned to Medtronic, Inc.;
4. It was recently brought to my attention, and I concur upon review of the '607 patent, that the subject matter of the '607 patent is unrelated to the subject matter of the above-identified patent application and that the '607 patent is not assigned to Medtronic, Inc.;
5. I have no present recollection of having reviewed the '607 patent at the time that I prepared the above-identified patent application or of how the '607 patent came to be referenced in the above-identified patent application;

6. It was not my practice at the time of preparation of the above-identified patent application to prepare an Information Disclosure Statement or to provide copies of patents and publications referenced in the application to Medtronic, Inc. for submission to the United States Patent and Trademark office with an Information Disclosure Statement;
7. Had I prepared such an Information Disclosure Statement at the time, I would have found the error and deleted the reference to the '607 patent from the above-identified patent application; and
8. I therefore conclude that the inclusion of the '607 patent in the above-identified patent application was in error, but I have no recollection of how the error occurred.

Date: June 23, 2004

By: Joseph F. Breimayer
Joseph F. Breimayer

On this 23rd day of JUNE, 2004, before me personally appeared Joseph F. Breimayer, to me known to be the person described in and who executed the foregoing instrument and acknowledged that s/he executed the same as his/her free act and deed.

IN WITNESS WHEREOF, I have hereunto affixed my official signature with the seal of my office, the day and year above written.

Edward G. Heilman
Notary Public

